IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.283 OF 2006

Hari M. Dole ...Petitioner.

Versus

Annirudh H. Dole & Ors. ...Respondents.

Shri D.W.Bhosale for the Petitioner.
Shri S.Shah for the Respondents.

CORAM : S.C.DHARMADHIKARI,J.

DATE : 30th JANUARY, 2006.

P.C. :

1. The petitioner-orig.appellant in Civil Appeal No.11 of 2005 has preferred this Petition under Article 227 of the Constitution of India, challenging the order passed by the lower Appellate Court, dismissing the application for Stay preferred by him in the pending Appeal.

2. Admittedly, the trial Court has decreed the Regular Civil Suit No.147 of 2002 which is preferred by the respondent Nos.1 to 7. The decree passed by the trial Court is granting declaration in favour of the original plaintiffs as well as the original defendant No.1 that they are having 1/7th share each in the suit properties. A decree for mesne profits is also made.

The partition of metes and bounds has to be effected; and the decree has been sent to the Collector, Solapur for partition of agricultural lands as per law.

3. After considering the decree as also the application made by the petitioner-orig.appellant, in my view, interest of justice would be served if the status-quo as of 30th December, 2004 is directed to be maintained during the pendency of this Civil Appeal. However, the Collector, Solapur can proceed and the status-quo order passed today would not prevent him from doing so, save and except, placing parties in physical possession of the properties in question as per their shares.

4. The hearing of Civil Appeal No.11 of 2005 is expedited and the Appellate Court shall endeavour to dispose the same by 31st May, 2006. All contentions of both sides are expressly kept open.

(S.C.DHARMADHIKARI,J.)